

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, N.Y. 10007

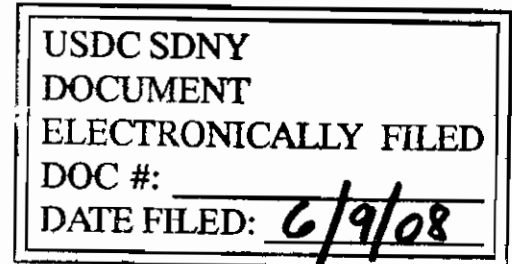
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June 2, 2008

BY HAND

Honorable Richard J. Holwell
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Nakeeb Siddique v. The City of New York et al., 08 CV 4422 (RJH)

Dear Judge Kaplan:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and counsel for defendant City of New York. I write to respectfully request a sixty-day enlargement of time, from June 2, 2008, to August 1, 2008, within which the City may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action and is made on consent.

The complaint alleges, *inter alia*, that plaintiff Nakeeb Siddique was subjected to excessive force, falsely arrested and falsely imprisoned on or about August 24, 2005. Specifically, plaintiff alleges that he was falsely arrested after he refused to consent to a bag search in the 57th Street N/R/Q/W subway station. Plaintiff further alleges that he was subjected to excessive force during the course of his arrest. Before this Office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate this matter.

Upon information and belief, the charges against plaintiff were dismissed and sealed pursuant to Penal Law Section 160.50. This office has forwarded unsealing releases to plaintiff. Moreover, to the extent plaintiff has alleged physical injury, this office has also forwarded to plaintiff a consent and authorization for the release of medical records, so that defendant can properly assess the case and respond to the complaint.

Moreover, the enlargement will allow us to ascertain whether the individually named defendants have been served with process.¹ In addition to the City of New York, plaintiff purports to name P.O. John Wingate, Sgt. Osvaldo Domenach and Det. Tommy Sanabria as well as several unidentified officers as defendants. If service has been effectuated upon P.O. John Wingate, Sgt. Osvaldo Domenach and Det. Tommy Sanabria, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendants. P.O. John Wingate, Sgt. Osvaldo Domenach and Det. Tommy Sanabria must then decide whether they wish to be represented by this office. If so, we must obtain their written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until August 1, 2008.

Thank you for your consideration in this regard.

NEXT PTC set for

08/08/08 AT 10:00 AM

Application Granted

SO ORDERED

[Signature]
USOJ
6/6/08

Respectfully submitted,

[Signature]

Suzette Corinne Rivera (SR4272)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY FAX
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Rose Weber, Esq.

¹ Although this Office does not currently represent P.O. John Wingate, Sgt. Osvaldo Domenach and Det. Tommy Sanabria, and assuming they are properly served, this Office also respectfully requests this extension on their behalf in order that their defenses are not jeopardized while representational issues are being decided.